

ROBERT J. ROSATI, CA State Bar #112006  
robert@erisalg.com  
6485 N. Palm Avenue, Suite 105  
Fresno, California 93704  
Telephone: (559) 478-4199  
Facsimile: (559) 478-5939  
*Pro Hac Vice*

TREVOR HATFIELD, Nevada State Bar #7373  
thatfield@hatfieldlawassociates.com  
Hatfield Law Associates  
703 S. Eighth Street  
Las Vegas, NV 89101  
Telephone: (702) 388-4469  
Telefax: (702) 684-5147

Attorneys for Plaintiff,  
STACI L. DALLENBACH

Ann-Martha Andrews, Nevada Bar No. 007585  
ann.andrews@ogletree.com  
Kristina N. Holmstrom, Nevada Bar No. 010086  
kristina.holmstrom@ogletree.com  
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.  
Esplanade Center III, Suite 800  
2415 East Camelback Road  
Phoenix, AZ 85016  
Telephone: (602) 778.3700  
Fax: 602.778.3750

Attorneys for Defendant Standard Insurance  
Company

**UNITED STATES DISTRICT COURT FOR  
DISTRICT OF NEVADA**

STACI L. DALLENBACH,	)	Case No.: 2:18-cv-02024-GMN-VCF
	)	
Plaintiff,	)	<b>SECOND AMENDED DISCOVERY</b>
	)	<b>PLAN AND SCHEDULING ORDER</b>
v.	)	
	)	(SPECIAL SCHEDULING REVIEW
STANDARD INSURANCE	)	REQUESTED)
COMPANY,	)	
	)	
Defendant.	)	

Plaintiff STACI L. DALLENBACH ("Plaintiff" or "Dallenbach") and Defendant  
STANDARD INSURANCE COMPANY ("Standard"), by and through their counsel of record  
hereby submit this second amended discovery plan and scheduling order, propose the following

amended discovery plan and scheduling order, pursuant to the April 13, 2020, Scheduling Conference/Discovery Hearing and the Court's Minute Order (Doc. 36)..

I. **Meeting:**

The following individuals met and conferred pursuant to FRCP 26(f) on April 1, 2020 and thereafter: Robert J. Rosati, counsel for Dallenbach, and Ann-Martha Andrews counsel for Standard.

II. **Nature Of Case And Purpose Of Special Review**

This lawsuit arises out of Dallenbach's claim for long-term disability benefits under a plan established and maintained by her employer, UnitedHealth Group, and funded via a policy of group long-term disability insurance issued by Standard. Dallenbach's Complaint alleges a claim for benefits under the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. § 1132(a)(1)(B).

Review will be for abuse of discretion pursuant to this Court's Order. (*See* ECF 24, 33.)

IV. **Proposed Plan:**

The Court will decide the merits of this ERISA case based upon the administrative record (the claim file). No discovery plan and scheduling order is generally required for review of an administrative record. LR 16-1(c)(1). An action for an administrative review usually requires the parties to file a briefing schedule. LR 16-1(c). When the abuse of discretion standard of review applies, limited discovery may be appropriate on the issue of the effect (if any) of the dual-role conflict. Therefore, the parties propose as follows:

A. **Disclosure of the Administrative Record:** Standard disclosed the Administrative Record to Dallenbach on **February 5, 2019**.

B. **Discovery Deadlines:** All discovery, including filing of Motions to Compel discovery, shall be completed by **September 11, 2020**.

C. **Plaintiff's Opening Brief:** to be filed on or before **October 9, 2020**.

D. **Defendant's Opposition Brief:** to be filed on or before **November 6, 2020**.

E. **Plaintiff's Optional Reply Briefs:** to be filed by **November 20, 2020**.

V. **Amendment of Pleadings and Addition of Parties:**

No deadline need be set. The parties do not anticipate the filing of any additional amended pleadings or the addition of any parties.

VI. **Federal Rule of Civil 26(a)(2) Disclosures (Experts):**

No deadline need be set. ERISA does not permit expert witnesses.

VII. **Dispositive Motions:**

See above.

VIII. **Pretrial Order:**

The parties agree that ERISA does not permit a trial by jury. As this is an ERISA matter, the parties agree and respectfully submit that this case is appropriate for waiver of the Pre-Trial Conference given the streamlined procedures proposed herein and the evidentiary limitations required by ERISA. Therefore, the parties request that the Court order that the Pre-Trial Conference be waived.

IX. **Fed. R. Civ. P. 26(a)(3) Disclosures:**

Not applicable. This is an ERISA matter, which the Court will decide on the parties' briefs.

X. **L.R. 26-1(b)(7) - Alternative Dispute Resolution:**

The Parties have met and conferred about the possibility of using alternative dispute-resolution processes including mediation and have agreed to schedule a private mediation at an appropriate time.

XI. **L.R. 26-1(b)(8) Alternative Form Of Case Disposition And Declination Of Magistrate Judge Jurisdiction:**

The parties have considered trial by a Magistrate under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and decline to have United States magistrate judge conduct all further proceedings in this case.

The parties have also considered the use of the Short Trial Program and decline to participate in this program.

The provisions of LR 26-(b)(9) do not apply as no jury trial has been demanded and none

is permitted in this ERISA matter.

**XII. Fed. R. Civ. P. 26(f)(3)(C) - Discovery Of Electronically Stored Information ("ESI")**

The parties do not anticipate that any issues relating to the disclosure, discovery or preservation of ESI will arise in this case at this time. The parties reserve the right to adjust their respective positions regarding the ESI as discovery progresses and will meet and confer and present a plan to the Court if such issues arise.

**XIII. Fed. R. Civ. P. 26(f)(3)(D) - Privilege Issues:**

The parties do not currently propose any agreement relating to claims of privilege. In the event that discovery is conducted and claims of privilege or protection are made, the parties will work together to present a stipulated confidentiality order to the Court.

**XIV. Other Issues:**

a. Interim Status Report

Not applicable, as this case will be decided on motion.

b. Extensions or Modifications of the Discovery Plan and Scheduling Order

Local Rule 26-4 governs modifications or extensions of this discovery plan and scheduling order. Any stipulation or motion seeking to modify the discovery plan and scheduling order must be filed no later than **August 21, 2020**, which is at least 20 days before the discovery cut-off date and must comply fully with Local Rule 26 4.

DATED: April 15\_\_\_\_, 2020

/s/ Robert J. Rosati

Robert J. Rosati (CA SBN # 112006)

robert@erisalg.com

6485 N. Palm Avenue, Suite 105

Fresno, California 93704

Telephone: 559.478.4199

Facsimile: 559.478.5939

*Pro Hac Vice*

Attorney for Plaintiff,  
STACI L. DALLENBACH

DATED: April 15\_\_\_\_, 2020

/s/ Trevor Hatfield

Trevor Hatfield (Nevada SBN #7373)

thatfield@hatfieldlawassociates.com

Hatfield Law Associates

703 S. Eighth Street

Las Vegas, NV 89101

Telephone: (702) 388-4469

Telefax: (702) 684-5147

Attorneys for Plaintiff,  
STACI L. DALLENBACH

DATED: April 15\_\_\_\_, 2020

/s/ Ann-Martha Andrews  
Ann-Martha Andrews (Nevada SBN 7585)  
ann.andrews@ogletree.com  
Kristina N. Holmstrom (Nevada SBN 010086)  
kristina.holmstrom@ogletree.com  
OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.  
Esplanade Center III, Suite 800  
2415 East Camelback Road  
Phoenix, AZ 85016  
Telephone: (602) 778.3700  
Fax: 602.778.3750

Attorneys for Defendant,  
STANDARD INSURANCE COMPANY

**IT IS SO ORDERED:**



**UNITED STATES MAGISTRATE JUDGE**

**DATED:** April 16, 2020